

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA

SAINT VINCENT HEALTH CENTER	:	Civil Action No. 04-CV-342
Plaintiff	:	Erie Division
	:	
v.	:	Judge Maurice B. Cohill, Jr.
	:	
BEECH STREET CORPORATION,	:	
Defendant	:	

MOTION FOR EXTENSION OF CASE MANAGEMENT ORDER

AND NOW comes Saint Vincent Health Center, Plaintiff and Beech Street Corporation, Defendant, above named and by and through their respective counsel make the following joint Motion to Extend the Case Management Order of June 8, 2005 whereof the following are statements:

1. This case concerns the dispute over the proper amount of payment for medical services provided by the Plaintiff, Saint Vincent Health Center to patients covered as beneficiaries or dependents under health benefits coverage provided by clients of the Defendant, Beech Street Corporation.

2. On June 8, 2005 this Honorable Court entered a Case Management Order which provided for the completion of discovery on or before January 30, 2006.

3. Since the entry of that Order, the parties have made their required disclosures and exchange of documents. The parties have also exchanged discovery requests and have either responded or are in the process of responding to all outstanding discovery requests.

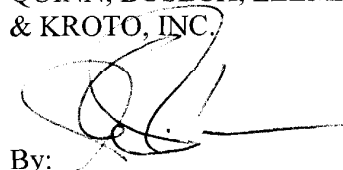
4. Counsel have been discussing additional discovery that needs to be done. This includes obtaining documents through a subpoena of a non-party which contracted with Defendant, Beech Street Corporation, to perform the mailing operations which, the Defendant contends, included the sending of notice to Saint Vincent Health Center of the termination of the contract. It has also been determined that the project manager for that vendor is no longer with the company and has not been located to date. Furthermore, the person in charge of the project for Beech Street Corporation is no longer with Beech Street Corporation. It is therefore counsels' plan to attempt to locate the documents for the project that the original vendor had, to subpoena the same; to attempt to locate the project manager for the vendor, and to take his deposition; to take the depositions of the representatives and former project manager at Beech Street Corporation. All of the above will take place in California. It is also anticipated that the representative or project manager for the vendor that conducted the audit on behalf of Saint Vincent Health Center will need to be deposed as well. The location of that vendor is in St. Louis, Missouri. There are also witnesses associated with Saint Vincent Health Center whose depositions will need to be taken in Erie, Pennsylvania.

5. As a consequence of the difficulty of locating documents and witnesses, the distances involved in procuring discovery from them when they are located, counsel have discussed and agreed to a need to extend discovery for an additional 120 days.

WHEREFORE, Plaintiff, Saint Vincent Health Center and Defendant, Beech Street Corporation, through their respective counsel respectfully request that this Honorable Court extend the period of discovery through May 30, 2006 and all other dates thereafter by a period of 120 days in the manner as set forth in the attached proposed Amended Case Management Order.

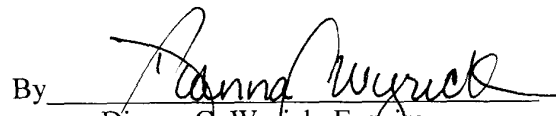
Respectfully submitted,

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Defendant	:	

AMENDED CASE MANAGEMENT ORDER

AND NOW, TO-WIT, this ____ day of _____, 2006, upon consideration of the foregoing Motion it is hereby ORDERED that the Case Management Order of June 8, 2005 is amended as follows:

5. The parties shall complete discovery on or before May 30, 2006;
6. The parties shall file Motions for Judgment on the Pleadings, for Summary Judgment, or to Dismiss, if appropriate, on or before June 30, 2006. All responses to such Motions shall be accompanied by Briefs and shall be filed on or before July 31, 2006.
7. If the parties do not file Motions for Judgment on the Pleadings, for Summary Judgment, or to Dismiss, Plaintiff's Pre-Trial Narrative Statement shall comply with Local Rule 16.1.4A and be filed on or before July 7, 2006.
12. If the case is not to be decided on dispositive motions, the case shall be called for trial in September, 2006.

In all other respects, the Order of June 8, 2005 shall remain in effect.

Maurice B. Cohill, Sr.
United States District Judge